IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 228 of 1997

For Approval and Signature:

Hon'ble MISS JUSTICE R.M.DOSHIT

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

PRAFUL HARIRAI MUNSHI

Versus

KANAKBEN CHANDRAKANT DESAI

Appearance:

MR SN SOPARKAR for the Petitioner

..... for Petitioner No. 2

MR SB PANDIT for the Respondent

CORAM : MISS JUSTICE R.M.DOSHIT

Date of decision: 16/10/2002

ORAL JUDGEMENT

This Revision Application arises from an order of recovery of possession of the suit premises passed under

Section 41 of the Presidency Small Cause Courts Act, 1882.

Pending this Revision Application the litigating parties have compromised the matter at issue. The compromise is placed before this Court in the form of consent terms dated 16th October, 2002. The consent terms have been signed by both the litigating parties and the concerned advocates. The petitioner no.2 Dr.Sanjay Munshi and the respondent Dr.Kanakben Desai both are present in the Court. They do agree to these consent terms.

In view of the above referred consent terms, the Revision Application is disposed of. The petitioners are directed to handover the possession of the disputed premises to the respondent on "as is where is" basis, on or before 25th October, 2002. The petitioners are also directed to pay rent, municipal taxes, education cess, telephone and electricity charges due and payable upto 31st October, 2002 in respect of the disputed premises. The respondent shall, upon receiving the possession of the disputed premises as stated above, withdraw the Suit No.2958/1986 instituted by her against the petitioners in the City Civil Court, Ahmedabad on or before 31st October, 2002. Subject to the above directions the rule is discharged. The parties shall bear their own costs.

(Ms. R.M.Doshit, J.)

/sakkaf